

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDIFECS INC., a Washington corporation,

Plaintiff,

v.

TIBCO SOFTWARE INC., a Delaware
corporation,

Defendant.

CASE NO.: 10-CV-330-RSM

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS COMPLAINT**

**[PROPOSED] ORDER GRANTING MOTION TO
DISMISS**

CASE NO.: 10-CV-330-RSM
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1 This matter came before the Court pursuant to defendant TIBCO Software Inc.'s Motion
 2 to Dismiss the Complaint of plaintiff Edifecs, Inc. The Court, having considered the documents
 3 filed in support of and in opposition to the motion, the argument of counsel, the pleadings and
 4 file in this action, and all other matters properly before the Court, being fully advised in the
 5 proceedings, and for good cause appearing:

6 IT IS HEREBY ORDERED that defendant TIBCO Software Inc.'s Motion to Dismiss
 7 the Complaint of plaintiff Edifecs Inc. is GRANTED. Because California law applies, all of
 8 Edifecs's allegations that are inconsistent with California law – including “inevitable disclosure”
 9 allegations – are dismissed without leave to amend. The causes of action for breach of implied
 10 covenant and injunctive relief are dismissed without leave to amend.

11
 12 Dated this ____ day of _____, 2010.

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The Honorable Ricardo S. Martinez
 United States District Court Judge

16
 17 Presented By:

18 s/ Britton F. Davis
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25 *Attorneys for Defendant,*
 TIBCO Software Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record.

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Dated: March 22, 2010

s/ Britton F. Davis
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